

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

David Lee Garner,

PLAINTIFF

v.

Agent Jeff Rillorta;  
Judge William S. Duffey, Jr.  
Judge Patrick Michael Duffy;  
Warden B. True; and  
Scarlett Wilson,

DEFENDANTS.

Case No. 2:20-cv-01986-TLW

**Order**

Plaintiff David Lee Garner (“Plaintiff”), proceeding *pro se* and *in forma pauperis*, alleges violations of his constitutional rights. The matter now comes before the Court for review of the Report and Recommendation (Report) filed by the magistrate judge to whom this case was assigned. ECF No. 10. In the R&R, the magistrate judge recommends that the Complaint be dismissed with prejudice for failure to state a coherent claim to relief. Plaintiff filed objections to the R&R, but his objections do not address the substance of the Report nor provide a basis for relief. *See* ECF No. 17. This matter is now ripe for decision. In reviewing the Report, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections . . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other

standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

*Wallace v. Hous. Auth. of City of Columbia*, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has reviewed, *de novo*, the Report and the objections. The magistrate judge has outlined in detail in the Report the legal, factual, and procedural reasons for dismissal. After careful review of the Report and the objections, for the reasons stated by the magistrate judge, the Report is **ACCEPTED**. Plaintiff's objections are **OVERRULED**. His Complaint is hereby **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

*s/ Terry L. Wooten*  
Terry L. Wooten  
Senior United States District Judge

July 8, 2022  
Columbia, South Carolina